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HOLME ROBERTS & OWEN LLP 560 Mission Street, 25° Floor San Francisco, CA 94165-2994 Telephone: (415) 268-2000 Facsimile: (415) 268-1999 Email: matiglasca@hro.com Attorneys for Plaintiffs, SONY BMG MUSIC ENTERTAINMENT; UMG RECORDINGS, INC.; INTERSCOPE RECORDS; WARNER BROS. RECORDS INC.; and ARISTA RECORDS LLC UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALLEGRIA SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; UMG RECORDINGS, Nr., a Delaware corporation; INTERSCOPE RECORDS, a California general partnership; WARNER BROS. RECORDS INC., a Delaware corporation; INTERSCOPE RECORDS, a California general partnership; WARNER BROS. RECORDS INC., a Delaware imited liability company. Plaintiffs, V. JOHN DOE #3, Defendant.				
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Telephone: (415) 268-2000 Facsimile: (415) 268-1999 Email: matt_jaksa@hro.com Attorneys for Plaintiffs, SONY BMG MUSIC ENTERTAINMENT; UMG RECORDINGS, INC.; INTERSCOPE RECORDS; WARNER BROS. RECORDS INC.; and ARISTA RECORDS LLC UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALLEDRNIA SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; UMG RECORDINGS, INC., a Delaware corporation; INTERSCOPE RECORDS, a California general partnership; WARNER BROS. RECORDS INC., a Delaware corporation; and ARISTA RECORDS LLC, a Delaware limited liability company, Plaintiffs, V. JOHN DOE #3, Defendant. CASE NO. EX PARTE APPLICATION FOR LEAVE TO TAKE IMMEDIATE DISCOVERY JOHN DOE #3, Defendant.	2	560 Mission Street, 25 th Floor	UT SET ZO THEKING	
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PRECORDS LLC UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALEGRNIA SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; UMG RECORDINGS, INC., a Delaware corporation; NTERSCOPE RECORDS, a California general partnership; WARNER BROS. RECORDS INC., a Delaware corporation; and ARISTA RECORDS LLC, a Delaware limited liability company, Plaintiffs, V. JOHN DOE #3, Defendant. CASE NO. EX PARTE APPLICATION FOR LEAVE TO TAKE IMMEDIATE DISCOVERY JOHN DOE #3, Defendant.	8	INTERSCOPE RECORDS; WARNER BROS. RECORDS INC.: and ARISTA	E_{M}	_
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RECORDINGS, INC., a Delaware corporation; INTERSCOPE RECORDS, a California general partnership; WARNER BROS. RECORDS INC., a Delaware corporation; and ARISTA RECORDS LLC, a Delaware limited liability company, Plaintiffs, V. JOHN DOE #3, Defendant. Provided the provided statement of the provided stat	13	3 1	CASE NO.	
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INC., a Delaware corporation; and ARISTA RECORDS LLC, a Delaware limited liability company, Plaintiffs, v. JOHN DOE #3, Defendant.	15	INTERSCOPE RECORDS, a California general	TO TAKE IMMEDIATE DISCOVERY	
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Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum of Law, hereby apply ex parte for an Order permitting Plaintiffs to take immediate discovery.

In support thereof, Plaintiffs represent as follows:

- Plaintiffs, record companies who own the copyrights in the most popular sound 1. recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a third party Internet Service Provider ("ISP") to determine the true identity of Defendant John Doe # 3 ("Defendant"), who is being sued for direct copyright infringement.
- As alleged in the complaint, Defendant, without authorization, used an online media 2. distribution system to download Plaintiffs' copyrighted works and/or distribute copyrighted works to the public. Although Plaintiffs do not know the true name of Defendant, Plaintiffs have identified Defendant by a unique Internet Protocol ("IP") address assigned to Defendant on the date and time of Defendant's infringing activity.
- Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that 3. identify Defendant's true name, current (and permanent) address and telephone number, e-mail address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot identify Defendant or pursue their lawsuit to protect their copyrighted works from repeated infringement.
- Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a 4. Rule 26(f) conference where there are no known defendants with whom to confer.

WHEREFORE, Plaintiffs apply ex parte for an Order permitting Plaintiffs to conduct the foregoing requested discovery immediately.

Dated: September 20, 2007

By:

HOLME ROBERTS & OWEN LLP

MATTHEW FRANKLIN JAKSA

Attorney for Plaintiffs

SONY BMG MUSIC ENTERTAINMENT; UMG

RECORDINGS, INC.; INTERSCOPE

RECORDS: WARNER BROS. RECORDS INC.;

and ARISTA RECORDS LLC